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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**DECLARATION OF MARK
ENGELBAUM IN SUPPORT OF
DEFENDANTS' MOTION FOR STAY OF
MARCH 13, 2025, ORDER**

1 I, Mark Engelbaum, declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am the Assistant Secretary of Human Resources and Administration/Operations,
3 Security, and Preparedness of the Department of Veterans Affairs (“Department”), headquartered
4 in Washington, D.C. I have served in this position since February 13, 2025.

5 2. In my role at the Department, I am responsible for personnel management. I have
6 the responsibility for overseeing the personnel enterprise and tracking and recording of personnel
7 actions, including terminations. I assist in ensuring that all personnel actions comply with federal
8 law, including those related to probationary employees.

9 3. Probationary employees in the competitive service are employees who have been
10 employed for less than one year. In the excepted service, the probationary period may be up to
11 two years.

12 4. The probationary period is part of the hiring process, and probationary employees
13 have limited protections against termination.

14 5. The probationary period is essentially an extended tryout to determine the fitness
15 of the employee and, according to regulation, an agency “shall terminate his or her services
16 during this period if the employee fails to demonstrate fully his or her qualifications for
17 continued employment.”

18 6. On January 20, 2025, the VA received a guidance memorandum from the Office
19 of Personnel Management (“OPM”), which stated that “agencies should identify all employees
20 on probationary periods” and “should promptly determine whether those employees should be
21 retained at the agency.”

22 7. The Department fired approximately 500 probationary employees between
23 February 13 and 14, 2025, out of approximately 46,000 probationary employees onboard at that
24 time.

25 8. The Court’s order, requiring the Department to reinstate all probationary
26 employees terminated on or about February 13 and 14, 2025, will impose substantial burdens on
27 the Department, cause significant confusion, and will cause turmoil for the terminated
28 employees.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

/s/ Mark Engelbaum
Mark Engelbaum